

## TRIBAL AREAS OF CALIFORNIA

# American Indian/Alaska Native Children in the Child Welfare Services Program

Report Period Calendar Year 2000



**CDSS**  
CALIFORNIA  
DEPARTMENT OF  
SOCIAL SERVICES

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**RADD**  
Research and Development Division

# American Indian/Alaska Native Children in the Child Welfare Services Programs Report Outline/a

Calendar Year (CY) 2000

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/a This study includes American Indian/Alaska Native children. However, for the rest of this study we will identify American Indian/Alaska Native children as American Indian.

# Executive Summary

The focus of this report is on children who were identified as American Indian children in the Child Welfare Services Program for Calendar Year (CY) 2000. The Child Welfare Services/Case Management System (CWS/CMS) showed 2,826 children with American Indian ethnicity. Data from CWS/CMS were analyzed and only those children identified with American Indian heritage were included in this report.

The pages titled, 'Background', 'California's Indian Tribes', 'History of the Indian Child Welfare Act (ICWA)', and 'California's Department of Social Services' Efforts to Implement ICWA' were provided by the Child Welfare Policy and Program Bureau and the CDSS Tribal Liaison.

The major points of this report are:

- ❖ American Indian children represented 1% of the child population of California and 1% of all the children referred for abuse.
- ❖ The rate of referral for child abuse for American Indian children was 97 per 1,000 in the population and for all children it was 51 per 1,000.
- ❖ The statewide percentage of children with substantiated referrals who were placed in foster care was 17% vs. 22% for American Indian children.
- ❖ American Indian children made up 2% of the children living in poverty but only 1% of the ER investigations and 1% of the child welfare services caseload. Compared to other children, this was the highest proportion of children living in poverty.
- ❖ In CY 2000 52% of American Indian children exited the child welfare services program due to reunification with the parent or guardian vs. 57% for all other children.
- ❖ The percentage of American Indian children placed with relatives in out-of-home care was similar to the percentage for all children, 37% vs. 40%.
- ❖ The American Indian adoption rate of 5 per 10,000 population was similar to the statewide rate of 6 per 10,000.
- ❖ 24% of the American Indian children that were adopted were adopted by American Indian parents.
- ❖ 62% of American Indian children were adopted by either Hispanic or White parents.
- ❖ Analysis of CWS/CMS data included review of a random sample of 141 cases and these case reviews showed that:
  - ✓ 84% of the removals of American Indian children from their homes involve the use of alcohol and/or substance abuse by their parents, and
  - ✓ case records revealed missing or incomplete information on how American Indian heritage was determined, ICWA eligibility, and Tribal membership status.

In conclusion, this report indicates that there were similarities between American Indian children and other children in areas such as referral types, age and gender distribution, reasons for removal from home, and adoption rates. Areas where there was a difference included a higher referral rate and higher poverty rate for American Indian children. In addition, a slightly higher percentage of American Indian children were placed in out-of-home care but a slightly lower percentage of American Indian children exited out-of-home care to reunify with their parents. Case reviews noted a need for improvement with case documentation.

## Background

The Department recognizes the importance of the Indian Child Welfare Act (ICWA) to the cultural heritage of American Indian children and to the preservation of Indian Nations. It is our hope that this initial report will provide a benchmark for documenting on-going efforts to improve statewide compliance with ICWA through enhanced practice in the field. These efforts include proper and accurate identification of Indian children; proper and timely notification to the child's Tribe as soon as the child comes to the attention of the child welfare system; provision of culturally appropriate services to strengthen American Indian families; and appropriate placement decision-making and case planning (including permanency planning) for American Indian children where removal is necessary.

The California Tribal community has been a staunch advocate for the implementation of ICWA, compliance, and for the evaluation of the State's and counties' performance with ICWA through the systematic collection and analysis of data. This initial report is the Department's first compilation of data regarding American Indian children in California that are in the child welfare system. The data included in this report are taken from the Child Welfare System/Case Management System (CWS/CMS). It contains descriptive information regarding various data elements, including the number of American Indian children referred to county child welfare agencies, the number of American Indian children removed from their families, and the number of placements in out-of-home care and permanent homes (adoption/legal guardianship). The data used in this report are reflective of American Indian children in California that were identified as American Indian. There may be more American Indian children in the child welfare system that are not reported as American Indian and therefore are not included in this data. It is our hope that future reporting is improved to more accurately reflect the true numbers of American Indian children entering the system.

Providing quality services to American Indian children is a high priority for the Department. The Department recently submitted its Statewide Self-Assessment as a part of the United States Department of Health and Human Services, Administration of Children and Families' (ACF) Child and Family Services Review process. The Department's findings indicate that additional improvements can be made to better serve American Indian children and their families and to work with tribes regarding the provision of services. This report begins to inform and document American Indian children in the child welfare services program. Findings from this report will be used to improve program practices such as identifying American Indian children and ICWA eligibility. This report also serves to inform the Legislature and the public of the Department's efforts to improve statewide performance with ICWA compliance.

We greatly appreciate the contributions made by the Tribal community, county and Tribal social workers, advocacy groups and others to the Department's understanding of the importance of ICWA and strategy development for improved practice and subsequent compliance with the Act.

# California's American Indian Tribes

It is important to recognize the unique legal and political relationship that American Indian Tribes have with the United States government. Federal treaties, statutes and Supreme Court decisions define this relationship. The Department of Social Services does not attempt to describe or define these relationships but rather relies on existing documents developed by knowledgeable sources. Therefore, for purposes of this section the Department has taken excerpts from "California Judge's Benchguide -The Indian Child Welfare Act" of the Law Offices of California Indian Legal Services, 2000 Edition.

The Indian Child Welfare Act is based on the finding in 25 U.S.C. § 1901(5) that Congress found that "the States, exercising their recognized jurisdiction over American Indian child custody proceedings through administrative and judicial bodies, have often failed to recognize the essential Tribal relations of American Indian people and the cultural and social standards prevailing in American Indian communities and families."

There are two important but distinct considerations that underlie the provisions of the Indian Child Welfare Act and the federal best interest standard that make application of the Act important to all American Indian children. Those two considerations are a) cultural considerations and b) political status. The cultural considerations are the concern for Tribal culture and heritage. The Act acknowledges a special relationship between Tribes and the federal government and seeks to protect essential Tribal relations. The nature of these relationships, both between Tribes and the federal government and between the Tribes and their members are premised on more than cultural considerations. American Indian members of Tribes are also separate political groups. American Indian Tribes stand in a government to government relationship with the United States.

At the federal level, the primary duty for implementing the government-to-government relationship is assigned to the United States Department of the Interior, Bureau of Indian Affairs (BIA). Although this primary duty rests with the BIA, it extends to all federal agencies that administer programs or projects targeted for American Indian communities.

California Tribes are both numerous and diverse, reflecting the State's rich past. In fact, California now has the largest American Indian population in the nation. The BIA recognizes 109 California Tribes. Membership rolls for these Tribes range from under 8 people for smaller Tribes to the Yurok Nation with over 4,000 members. The State's American Indian population also includes a substantial number of people from out-of-state Tribes that have relocated to California.

Additionally, California is home to approximately 40 unrecognized Tribes. Between 1954 and 1966, the United States Congress terminated over one hundred Tribes, most of them in Oregon and California. A shift in federal policy ended the termination era and ushered in a period of critical examination of the termination process. Tribal status began to be reestablished. However, since Tribal existence had been interrupted for twenty to thirty years, it is not uncommon to encounter previously terminated, but now recognized, Tribes that are in the early stages of organization.

This information is presented here as a way of attempting to give the reader a better understanding of the history of California Indians as it relates to the relationships between Tribes, the counties and the State as we all endeavor to fully implement the provisions of the Indian Child Welfare Act.

# History of the Indian Child Welfare Act (ICWA)

The ICWA (Public Law 95-608, November 8, 1978) resulted from a rising concern in the mid-1970s about the consequences of national child welfare practices that led to the separation of large numbers of American Indian children from their families and Tribes through adoption or foster care placement, usually in non-Indian homes. During this time, studies showed that:

- American Indian children were placed in foster care or for adoption at three times the rate of other children.
- 25% to 35% of all American Indian children had been separated from their families and placed in foster care, with adoptive families, or institutions.
- Over eight times as many American Indian children were placed in adoptive homes as non-Indian children.
- Approximately 90% of American Indian placements were in non-American Indian homes.

Serious problems were identified with the practices noted above, such as adjustment difficulties of children during adolescence, and the impact of adoption of American Indian children on their parents and Tribes. American Indian children had to cope with the overwhelming problems of adjusting to a social and cultural environment much different than their own.

The ICWA was created to stem the highly disproportionate number of American Indian children being placed and adopted out of their communities without input from their Tribe. This Act allows Tribes to preserve their families and Tribal enrollment levels. It also established an official policy for the protection of American Indian children as it relates to the stability and security of American Indian Tribes and families.

ICWA imposes certain requirements for state child custody court proceedings involving American Indian children. For example, states must defer to American Indian social and cultural standards in placement preferences and services. These standards apply when 1) an American Indian child who is a member of or eligible for membership in a federally recognized Tribe is involved, and 2) the proceeding is covered by ICWA. In general, ICWA applies to both voluntary and involuntary proceedings regarding foster care placement, termination of parental rights, and adoption of an American Indian child. A foster care placement is defined as any temporary placement where the child need not be returned upon demand and parental rights have not been terminated. Foster care placement includes placements in a foster home or institution or the home of a guardian or conservator.

Under ICWA, American Indian Tribes and parents are guaranteed procedural safeguards in custody proceedings involving their member children. The child's Tribe has a right to intervene at any point in the court proceedings. The American Indian child's parent(s) or American Indian custodian and the child's Tribe must be notified of pending custody proceedings.

ICWA establishes mandates designed to protect the best interests of American Indian children. A higher level of effort to prevent the removal of an American Indian child (active versus reasonable efforts) and a higher standard of evidentiary proof (beyond a reasonable doubt) is required prior to the termination of parental rights in ICWA cases. Before removing American Indian children from their homes, attempts must first be made to prevent the breakup of American Indian families through "active efforts" to provide rehabilitation and reunification services. If removed from their homes, American Indian children identified as eligible for ICWA protections must be placed according to the placement preferences identified in ICWA. Unless there is good cause to the contrary or the child's Tribe establishes a different order of preference by resolution, the order of placement preference shall be with a member of the child's extended family, with other members of the child's Tribe, or with other American Indian families. State court proceedings that do not comply with ICWA may be invalidated.

# **California's Department of Social Services' Efforts to Implement ICWA**

The Department has been involved in the implementation of ICWA since shortly after the law was enacted in 1978. The Department recognizes the importance of protecting and preserving American Indian Tribes and their most valuable resource, their children. Correct implementation of ICWA is paramount in preventing the breakup of American Indian families and keeping American Indian children out of the child welfare system.

The Department continues to support ICWA in its policies and regulations. The California Manual of Policies and Procedures Division 31 regulations contain ICWA procedures with which county social services agencies and probation departments must comply. These regulations are amended, as needed, when federal and state laws change regarding ICWA.

In an ongoing effort to strengthen the working relationship among California Tribes, county staff and the Department, two full-time ICWA Specialist positions have been created. To contact an ICWA Specialist call (916) 445-2890. The ICWA staff is committed to promoting both an understanding of and improved practice regarding child welfare issues for American Indian children. In a continuing effort to improve social worker practice and ICWA implementation and to promote adherence to ICWA requirements, the Department is embarking on a major training effort for all stakeholders, including Department and county staff as well as Tribal representatives. Additionally, the Department established the Tribal Advisory Committee and an ICWA Subcommittee to advise the Department in its efforts to address Tribal and county concerns regarding ICWA compliance.



## **THE CHILD WELFARE SERVICES PROGRAM**

### **OVERVIEW:**

The Child Welfare Services (CWS) Program is California's primary statewide intervention program for abused, neglected and exploited children. The statutory authority for the CWS Program is contained in the Welfare and Institutions Code, Section 16500. The goal of the CWS Program is to protect children at risk of abuse and neglect through an integrated services delivery system, and to provide intensive services to families to ensure safety and stability that will allow the family members to stay together in their own home. In the event that a child cannot safely remain in his or her home, the child is placed in out-of-home care. Services are provided to the child and family to prevent future neglect, abuse or exploitation so the child can be returned home. If it is unlikely that the child will ever be able to return home, an alternative, permanent living arrangement (such as adoption or guardianship) is established so that the child grows up in a safe, caring, and stable family structure.

### **The CWS Program offers a continuum of services that start with the Emergency Response component:**

#### **Emergency Response (ER) Component**

ER is designed to provide initial intake services in response to reported allegations of child abuse, neglect or exploitation. The County Welfare Departments (CWDs) conduct investigations to determine the potential for or existence of abuse or neglect and identify/provide needed services.

### **The Child Welfare Services caseload includes cases in the following three service components:**

#### **Family Maintenance (FM) Component**

FM is designed to provide time-limited protective services to prevent or remedy neglect, abuse or exploitation for the purpose of preventing separation of children from their families. CWDs are responsible for determining the specific service needs of the child and family aimed at sustaining the child in the home.

#### **Family Reunification (FR) Component**

FR is designed to provide time-limited services while the child is placed in temporary foster care to prevent or remedy neglect, abuse or exploitation when the child cannot safely remain at home. CWDs are responsible for determining the specific service needs of the child and/or family aimed at reunifying the child with the family.

#### **Permanent Placement (PP) Component**

PP is designed to provide an alternative permanent family structure for children who because of abuse, neglect or exploitation cannot safely remain at home and who are unlikely to ever return home. The CWDs are responsible for determining the appropriate permanent goal for the child and facilitating the implementation of that goal. These goals are defined as guardianship, adoption or long-term placement.

#### **Data Sources:**

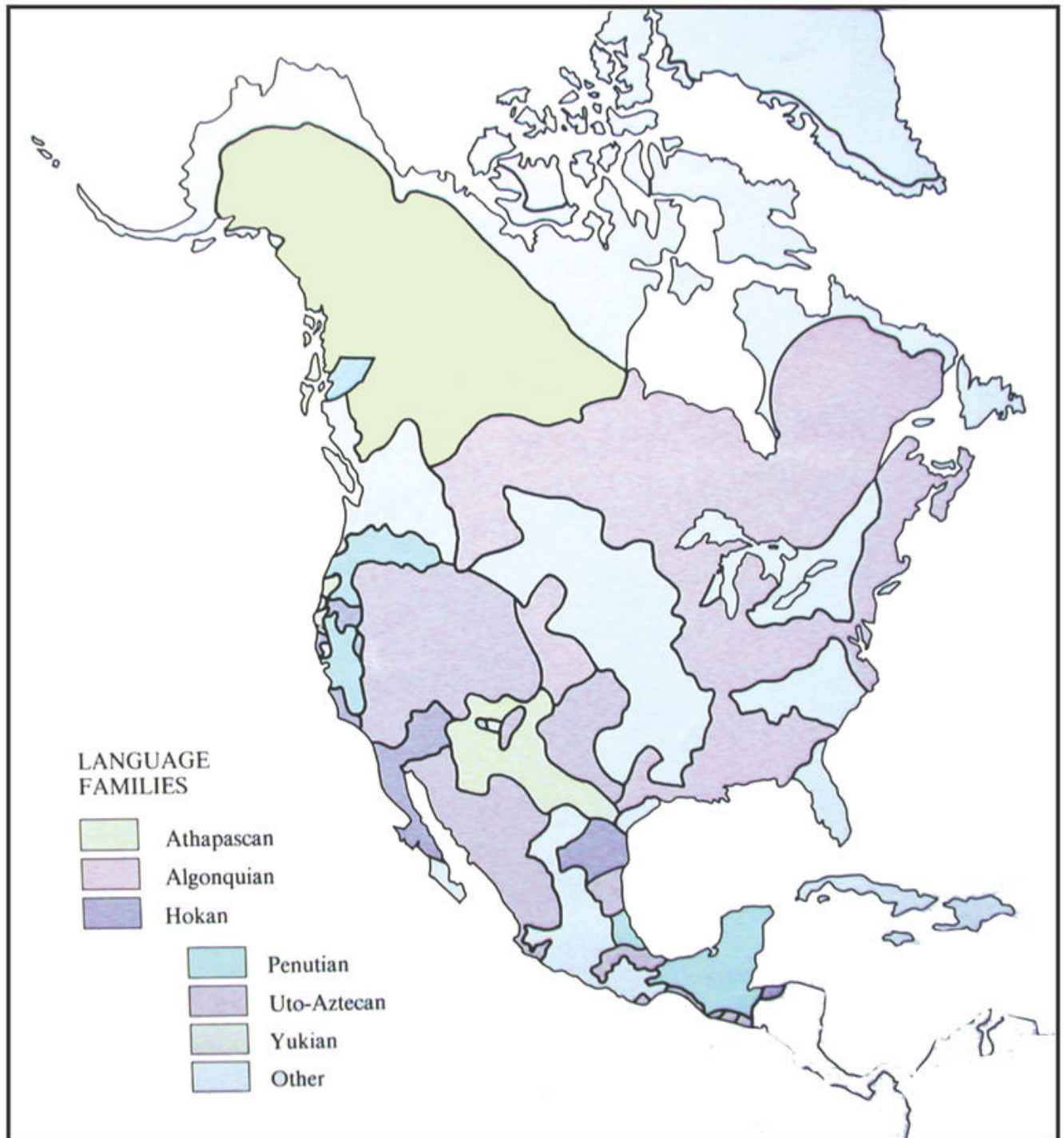
The information contained in this report was derived from the following sources:

- . Child Welfare Services/Case Management System (CWS/CMS)
- . Department of Finance Annual Population Demographics Department of Social Services



# American Indian/Alaska Native

## LANGUAGE FAMILIES



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## **Section II**

### **Emergency Response (ER) Referrals**

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# CHILD ABUSE REFERRAL AND OUTCOME RATES COMPARED TO THE CHILD POPULATION OF CALIFORNIA/a FOR CY 2000

	Race/Ethnicity	Total Referrals	Rate per 1,000 in the California Population
<b>Emergency Response (ER) Referrals:</b>			
	American Indian	5,101	93.1
	African American	82,116	114.3
	Asian/Pacific Islander	18,350	18.3
	Hispanic	187,658	42.1
	White	174,192	48.6
<b>Substantiated Referrals:</b>			
	American Indian	1,045	19.1
	African American	15,888	22.2
	Asian/Pacific Islander	4,123	4.1
	Hispanic	37,853	8.5
	White	31,122	8.7
<b>Foster Care Placements from Substantiated Referrals:</b>			
	American Indian	235	4.3
	African American	4,665	6.5
	Asian/Pacific Islander	396	.4
	Hispanic	5,632	1.3
	White	5,075	1.4

- For all children the ER referral rates were noticeably higher than substantiated referrals and placements in foster care.
- American Indian children had the second highest rates for all referral types. African American children had the highest rates in all the referral types.
- All the rates for Asian/Pacific Islander children were noticeably lower. This was particularly noticeable with the rate for foster care placements.
- **Using U.S. Census data, rates per 1,000 in the population were also computed for American Indian children (106,386)/b and they show:**
  - ✓ **the ER referral rate- 46.7,**
  - ✓ **the substantiated referral rate- 9.6, and**
  - ✓ **the foster care placement from substantiated referral rate- 2.2.**

a/ The California Department of Finance child population totals are: American Indian- 54,816; African American- 718,407; Asian/Pacific Islander- 1,002,392; Hispanic- 4,457,562; White- 3,581,230.

b/ Rates were not computed for the other race groups because the U.S. Census does not categorize the race groups as listed above. The U.S. Census report on race data covers 0-17 year olds.

## Referral Types for Emergency Response (ER) Services

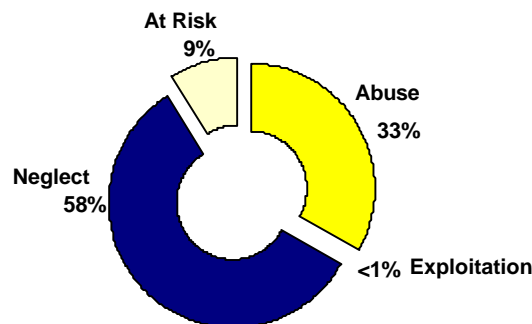
### Child Abuse Referral Types by Race/Ethnicity and Reporters

Calendar Year 2000

(Total 520,711)

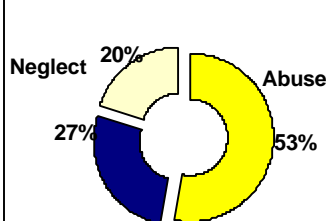
- There were a total of 520,711<sup>a</sup> referrals and 45% involved neglect during Calendar year 2000.
- American Indian children represented 1% of all the children referred for abuse.
- Except for Asian/Pacific Islander children, neglect was the most common reported abuse for all ethnic groups. The most common referral reason for Asian/Pacific Islander children was abuse.
- American Indian and African American children had the highest proportion of children referred for neglect (58%, 51%).
- Asian/Pacific Islander children had the highest percentage of children referred for abuse (53%).

**American Indian  
(Total 5,101)**



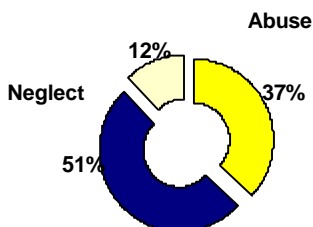
**Asian/Pacific Islander  
(Total 18,350)**

At Risk



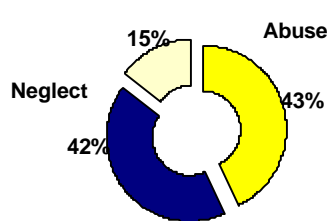
**African American  
(Total 85,116)**

At Risk



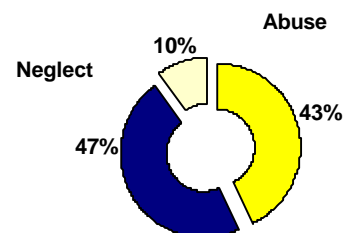
**Hispanic  
(Total 187,658)**

At Risk



**White Children  
(Total 174,192)**

At Risk



**Over Half of the children referred for child abuse were reported by professionals./a**

Type of Reporter	American Indian	Total Referral Population
Professionals/b	63%	65%
Law Enforcement	17%	16%
Relative	9%	8%
Others	6%	6%
Missing data	5%	5%
Total	100%	100%

- The type of reporter for child abuse was similar across all ethnic groups.

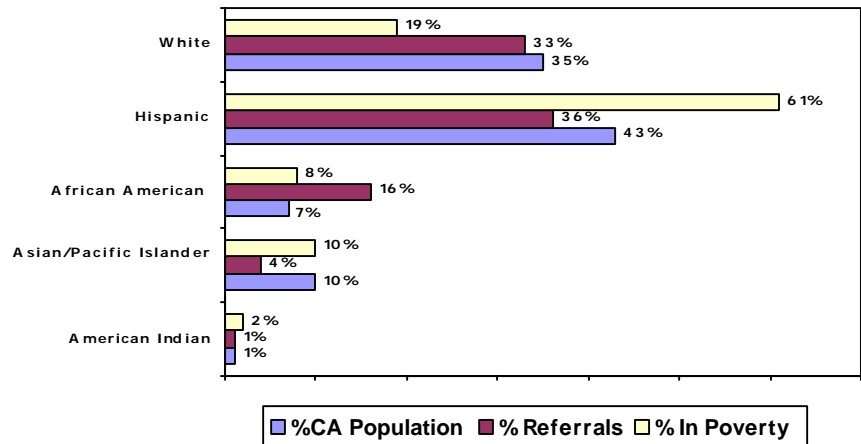
<sup>a/</sup> The CWS/CMS system did not identify the race/ethnicity for 53,294 children referred for child abuse.

<sup>b/</sup> Professionals include attorneys, child advocates, clergy, counselor/therapist, CWS staff, day care staff, and government agencies.

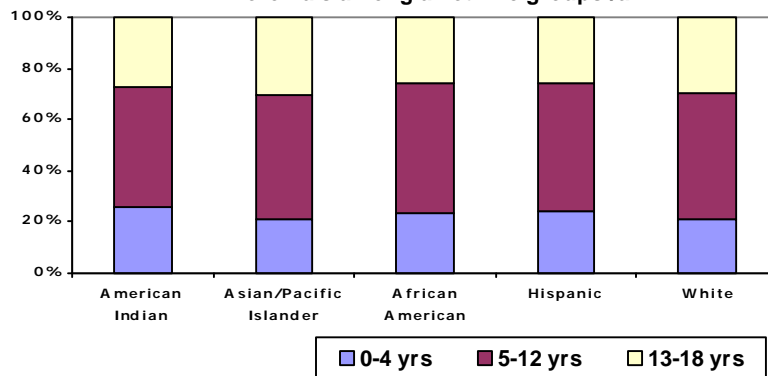
# Characteristics of Children Referred for Emergency Response (ER) Services (Total Referrals 520,711)

## Ethnicity of Children Referred for ER Services Compared with California's Child Population and Proportion Of California's Children In Poverty/a

- American Indian children made up 2% of the children living in poverty and only 1% of the ER investigations and 1% of the population. Compared to other children, they represented the highest proportion of children living in poverty.
- Hispanic children represented the second highest proportion of children living in poverty but represented only 36% of the investigated referrals. Hispanic children represented the highest percentage of the child population (43%).



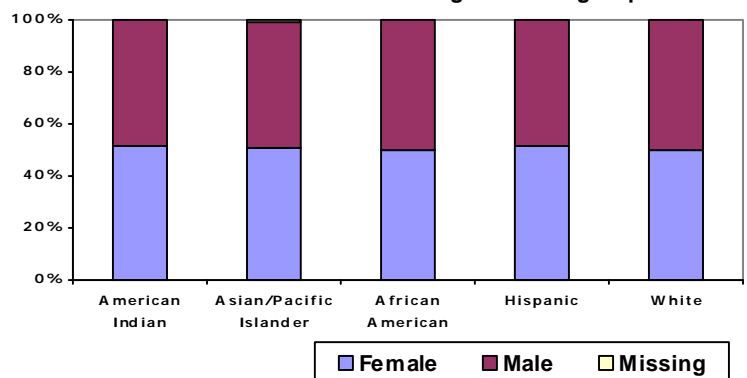
## Children age 5-12 represented the largest proportion of referrals among all ethnic groups.a



- For American Indian children there were 1,313 referrals for ages 0-4, 2,407 for ages 5-12, and 1,381 for ages 13-18.

- For American Indian children the referrals were 2,627 for females and 2,461 for males.
- Referrals were slightly higher for females for all the groups, with the exception of African American children.

## Gender was consistent among all ethnic groups.a



a/ The CWS/CMS system did not identify the race/ethnicity for 53,294 children referred for child abuse.

**Child Abuse Reports Compared to the Child Population of California, Substantiated Reports Compared to Child Abuse Reports and Entries into Foster Care from the Substantiated Reports for Calendar Year 2000 by County**

	Statewide (All Race/Ethnicities)							American Indian						
	Child Abuse Reports	Child Population of CA	Incidence of Child Abuse Reports per 1,000 Children in CA Population	Substantiated Child Abuse Reports	% of Reports Substantiated	Removals and Placement Changes from Substantiated Child Abuse	% of Placements from Substantiated Referrals	Child Abuse Reports	Child Population of CA	Incidence of Child Abuse Reports per 1,000 Children in CA Population	Substantiated Child Abuse Reports	% of Reports Substantiated	Removals and Placement Changes from Substantiated Child Abuse	% of Placements from Substantiated Referrals
STATEWIDE	520,711	10,234,571	51	95,408	18%	16,056	17%	5,101	54,816	97	1,045	20%	235	22%
ALAMEDA	16,567	392,243	42	2,094	13%	558	27%	105	1,384	85	18	17%	5	28%
ALPINE	18	313	58	9	50%	1	11%	7	57	123	2	29%	0	0%
AMADOR	390	8,204	48	65	17%	7	11%	11	156	77	0	0%	0	0%
BUTTE	5,936	56,851	104	827	14%	122	15%	265	1,253	218	54	20%	6	11%
CALAVERAS	833	10,085	83	108	13%	42	39%	16	200	80	5	31%	3	60%
COLUSA	323	6,622	49	71	22%	7	10%	13	118	110	0	0%	0	0%
CONTRA COSTA	12,465	274,300	45	1,695	14%	299	18%	62	980	66	5	8%	3	60%
DEL NORTE	856	7,566	113	197	23%	35	18%	120	642	190	30	25%	9	30%
EL DORADO	1,768	44,688	40	230	13%	40	17%	12	390	31	2	17%	0	0%
FRESNO	17,003	283,903	60	2,309	14%	555	24%	171	2,156	82	40	23%	20	50%
GLENN	984	8,890	111	219	22%	7	3%	30	173	191	5	17%	0	0%
HUMBOLDT	3,228	33,866	95	333	10%	56	17%	472	2,586	187	54	11%	13	24%
IMPERIAL	3,070	49,214	62	761	25%	99	13%	108	683	163	17	16%	2	12%
INYO	585	4,741	123	49	8%	5	10%	116	597	201	6	5%	0	0%
KERN	16,003	232,134	69	3,606	23%	584	16%	105	1,852	59	27	26%	5	19%
KINGS	3,356	41,588	81	597	18%	62	10%	66	469	149	21	32%	3	14%
LAKE	1,605	15,256	105	172	11%	31	18%	113	524	221	21	19%	0	0%
LASSEN	738	8,282	89	103	14%	12	12%	34	304	115	7	21%	0	0%
LOS ANGELES	128,028	2,946,796	43	23,551	18%	5,604	24%	311	7,134	45	84	27%	37	44%
MADERA	3,028	40,270	75	564	19%	74	13%	54	490	114	14	26%	3	21%
MARIN	2,014	54,167	37	302	15%	26	9%	8	108	74	1	13%	0	0%
MARIPOSA	456	4,125	111	67	15%	3	4%	18	192	99	4	22%	0	0%
MENDOCINO	2,727	24,381	112	580	21%	59	10%	364	1,315	284	68	19%	13	19%
MERCED	5,251	79,762	66	1,013	19%	98	10%	24	316	76	10	42%	1	10%
MODOC	179	2,609	69	59	33%	10	17%	13	124	113	2	15%	0	0%
MONO	166	3,285	51	39	23%	5	13%	11	88	125	0	0%	0	0%
MONTEREY	4,834	126,789	38	590	12%	40	7%	8	439	21	5	63%	1	20%
NAPA	862	33,323	26	139	16%	20	14%	3	162	19	0	0%	0	0%
NEVADA	1,273	23,344	55	103	8%	8	8%	10	205	49	5	50%	1	20%
ORANGE	22,918	846,604	27	9,313	41%	842	9%	56	2,263	28	22	39%	0	0%
PLACER	4,488	71,803	63	1,015	23%	100	10%	50	471	110	18	36%	4	22%
PLUMAS	426	5,182	82	90	21%	14	16%	17	145	117	7	41%	0	0%
RIVERSIDE	32,027	514,708	62	6,093	19%	845	14%	324	3,401	99	90	28%	15	17%
SACRAMENTO	30,983	371,161	83	6,287	20%	1,139	18%	208	2,662	84	31	15%	9	29%
SAN BENITO	912	18,638	49	105	12%	9	9%	2	71	28	0	0%	0	0%
SAN BERNARDINO	36,522	606,268	60	5,036	14%	891	18%	203	3,103	66	34	17%	0	0%
SAN DIEGO	55,157	811,038	68	10,106	18%	1,306	13%	562	4,550	132	109	19%	29	27%
SAN FRANCISCO	5,399	127,344	42	1,091	20%	292	27%	26	262	99	5	19%	4	80%
SAN JOAQUIN	10,226	193,282	53	1,915	19%	315	16%	26	1,026	27	16	62%	1	6%
SAN LUIS OBISPO	4,456	64,337	69	584	13%	49	8%	17	350	51	0	0%	0	0%
SAN MATEO	4,441	177,286	25	827	19%	66	8%	18	334	60	0	0%	0	0%
SANTA BARBARA	6,170	115,507	53	612	10%	45	7%	61	654	98	5	8%	0	0%
SANTA CLARA	15,137	459,612	33	2,352	16%	415	18%	86	1,409	67	11	13%	2	18%
SANTA CRUZ	3,758	70,190	54	732	19%	56	8%	14	292	48	3	21%	0	0%
SHASTA	3,434	47,386	72	739	22%	127	17%	222	1,540	148	66	30%	22	33%
SIERRA	25	899	28	13	52%	0	0%	1	19	53	0	0%	0	0%
SISKIYOU	997	11,778	85	175	18%	27	15%	76	639	124	13	17%	2	15%
SOLANO	4,756	122,663	39	649	14%	109	17%	18	571	35	8	44%	0	0%
SONOMA	3,880	124,835	31	813	21%	111	14%	99	1,006	109	21	21%	4	19%
STANISLAUS	9,413	153,099	61	1,511	16%	137	9%	22	1,066	23	7	32%	1	14%
SUTTER	1,409	25,084	56	312	22%	64	21%	18	320	56	4	22%	1	25%
TEHAMA	2,144	16,905	127	268	13%	34	13%	42	326	135	5	12%	0	0%
TRINITY	409	3,234	126	148	36%	14	9%	14	200	70	2	14%	1	50%
TULARE	11,086	136,946	81	1,795	16%	240	13%	122	1,045	127	33	27%	12	36%
TUOLUMNE	1,082	12,596	86	228	21%	29	13%	20	264	76	9	45%	1	11%
VENTURA	9,507	235,384	40	1,187	12%	112	9%	45	946	48	10	22%	1	10%
YOLO	2,870	52,624	55	571	20%	131	23%	62	323	198	9	15%	1	11%
YUBA	2,133	20,581	104	389	18%	68	17%	20	461	48	0	0%	0	0%

## Child Abuse Reports for American Indian Children by County

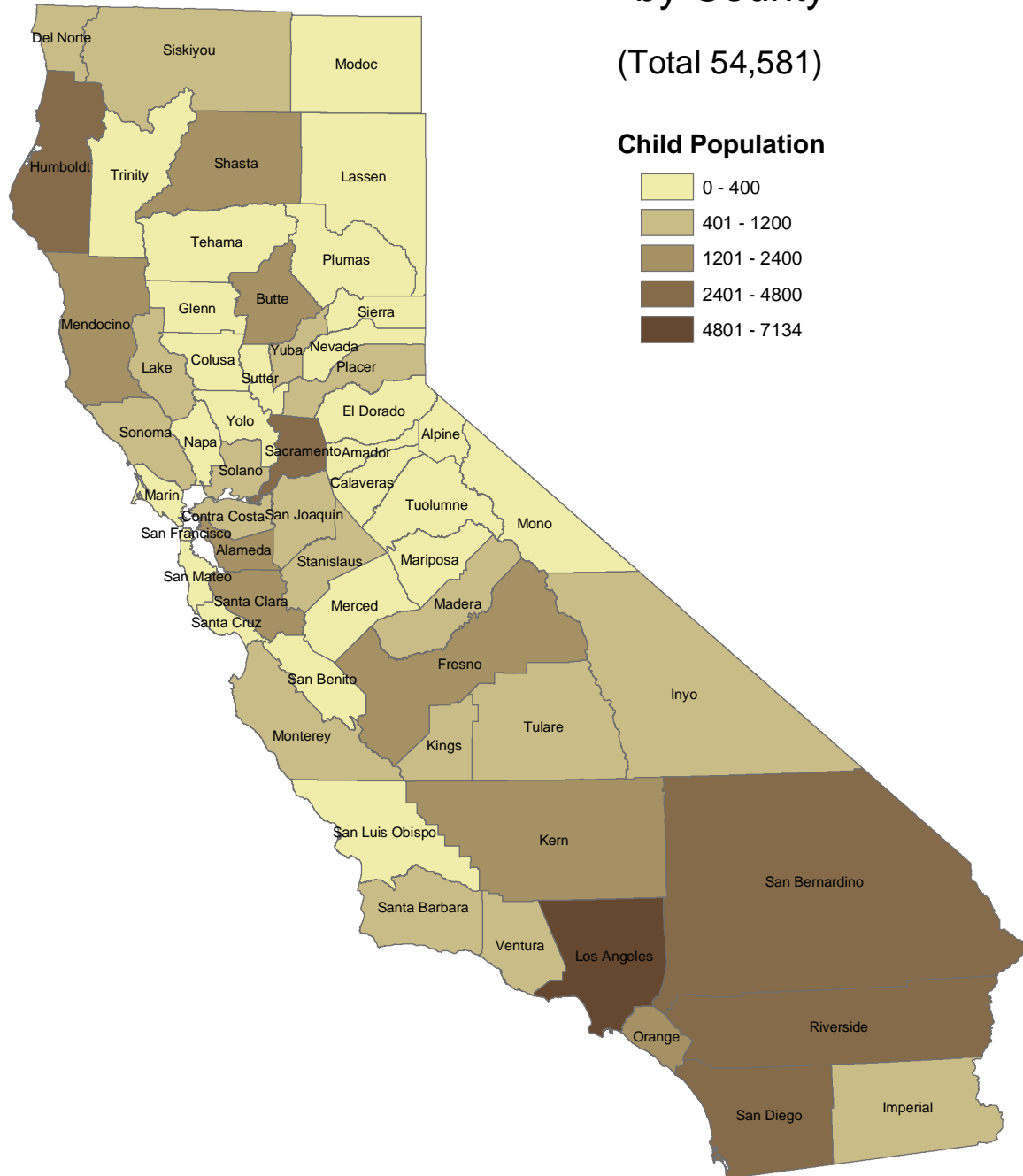
(Total 5,101)



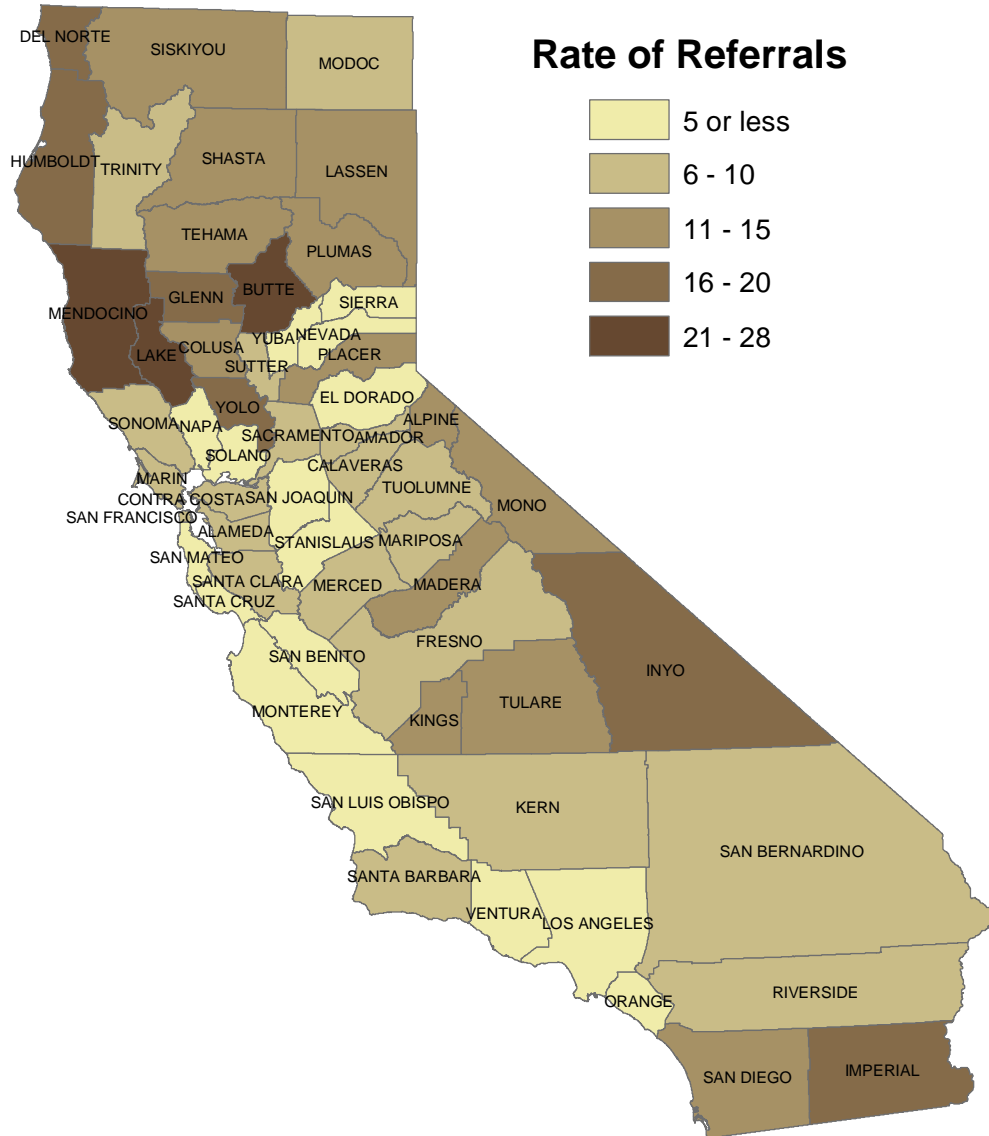


## American Indian Child Population by County

(Total 54,581)



# Rate of Child Abuse Referrals for American Indian Children (Referrals per 100 Children)



## **Section III**

### **Child Welfare Services (CWS) Caseload**

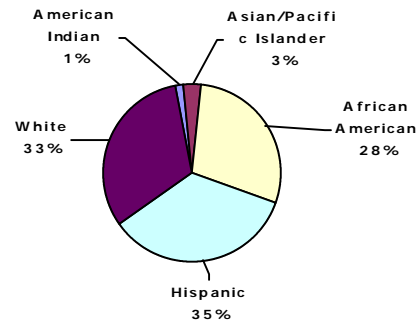
❖ Total Child Welfare Services Caseload	Page 18
❖ Child Welfare Services Caseload with Tribe Enrollment Status and ICWA (Indian Child Welfare Act) Indicator	Page 19
❖ Map of American Indian Children Receiving Child Welfare Services Identified with an ICWA Identifier	Page 20
❖ Removal Reasons for Children Placed in Out-of-Home Care and the Length of Stay in Out-of-Home Care	Page 21
❖ Children Placed in Out-of-Home Care	Page 22
❖ Adoptions for Calendar Year 2000	Page 23

## Total Child Welfare Services Caseload (See Page 7)

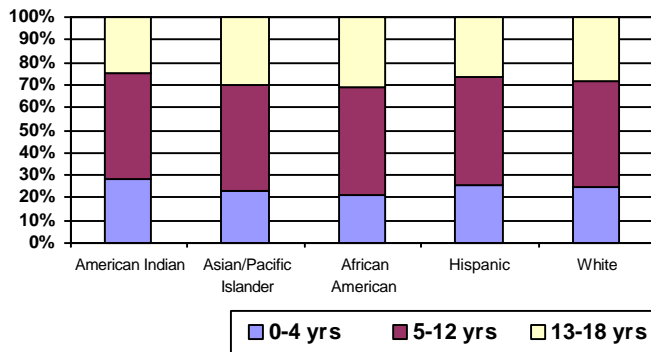
### Total Caseload- 205,865

**Race/Ethnicity/a**

- American Indian children represented equal numbers in the CA population and the child welfare services caseload (1% vs. 1%).
- Asian/Pacific Islander, Hispanic, and White children represented 88% of the CA population and 71% of the children in the child welfare services caseload.
- Compared to the CA population African American children were overrepresented in the child welfare services caseload, 7% vs. 28%. (See Appendix A)

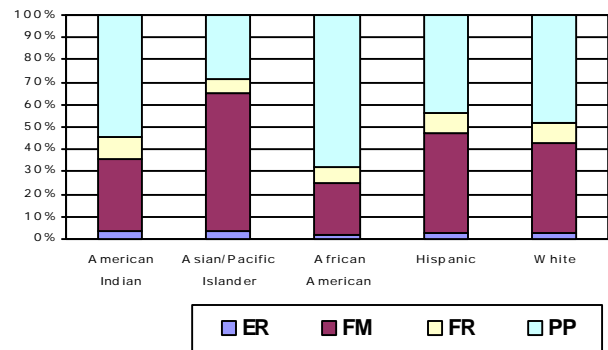


**Distribution by Race/Ethnicity/a**



- The largest age group for all race/ethnicity groups was the group aged 5-12 years.
- Gender composition for all the race/ethnicities was basically evenly divided between males and females.

**Service Component Participation/a**



- American Indian and African American children had the highest proportion of children receiving permanent placement services (54% and 67%).
- Service component participation for American Indian children was: emergency services- 3%, family maintenance- 30%, family reunification- 12%, and permanent placement- 54%. (See Appendix A)

#### Children who Exited the Child Welfare Services Program in CY 2000

Reason for Leaving Foster Care	American Indian		All Children	
	Number	%	Number	%
Adoption	58	9%	5,550	12%
Guardianship	122	18%	5,660	12%
Reunified w/Parent/Guardian	353	52%	26,950	57%
Other Reasons/b	134	20%	8,629	18%
Missing Data	12	2%	791	2%
Total	679	100%	47,580	100%

- Reunification with parent/guardian was the most common reason for children exiting the child welfare services program.
- American Indian children that exited the child welfare services program for reunification reasons was 5% lower than all other children. (See Appendix A)

a/ The CWS/CMS system did not identify the race/ethnicity for 1,903 children.

b/ Other reasons included termination reasons such as child runaways, death of child, refused services, reaches time limits (emancipation age).

# ICWA Indicator and Tribal Enrollment Status of the Children in the Child Welfare Services Program for Calendar Year 2000

Total Caseload- 205,865

## ICWA Eligibility Code

CWS/CMS reports an ICWA eligibility code and it indicates whether a child is eligible to be treated according to the provisions of the ICWA.

ICWA Eligibility Code	American Indian		All Children	
	Number	%	Number	%
ICWA Eligible	1,253	44%	1,928	1%
ICWA Unknown/Not Asked	354	13%	52,881	26%
ICWA Pending	245	9%	1,905	1%
Not ICWA Eligible/a	974	34%	149,151	72%
<b>Total</b>	<b>2,826</b>	<b>100%</b>	<b>205,864</b>	<b>100%</b>

- 65% (1,253) of the children (1,928) that were ICWA eligible were children whose primary ethnicity was American Indian.
- In the ICWA pending category 13% (245/1,905) were American Indian children.

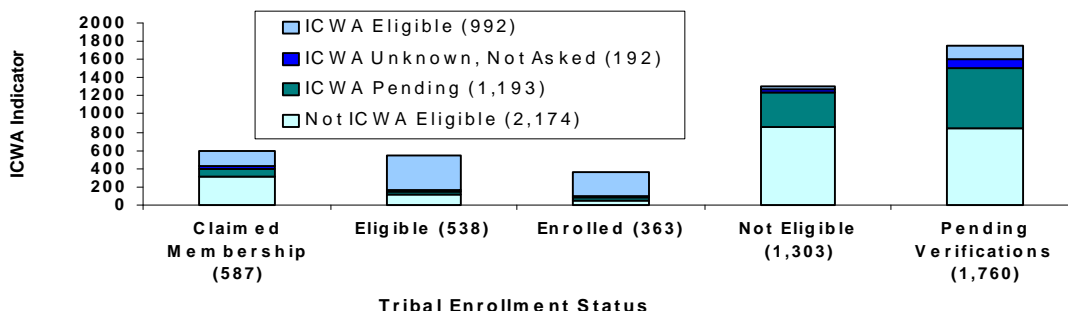
## Tribal Enrollment Status

CWS/CMS also documents Tribal enrollment status. This information is important because the ICWA gives the Tribe the opportunity to be a party to court proceedings involving American Indian children in the child welfare services program. Tribal enrollment status information was reported for 4,551 children.

Tribal Enrollment Status	American Indian		All Children	
	Number	%	Number	%
Claimed Membership	140	13%	587	13%
Eligible	353	34%	538	12%
Enrolled	268	25%	363	8%
Not Eligible	85	8%	1,303	28%
Pending Verifications	210	20%	1,760	39%
<b>Total</b>	<b>1,056</b>	<b>100%</b>	<b>4,551</b>	<b>100%</b>

- 69% (353+268) of the children (538+363) with Tribal status of eligible/enrolled were American Indian.
- American Indian children represented 12% (210) of all children (1,760) with the Tribal enrollment pending verifications.

## ICWA Indicator for the 4,551 Children with Tribal Enrollment Status

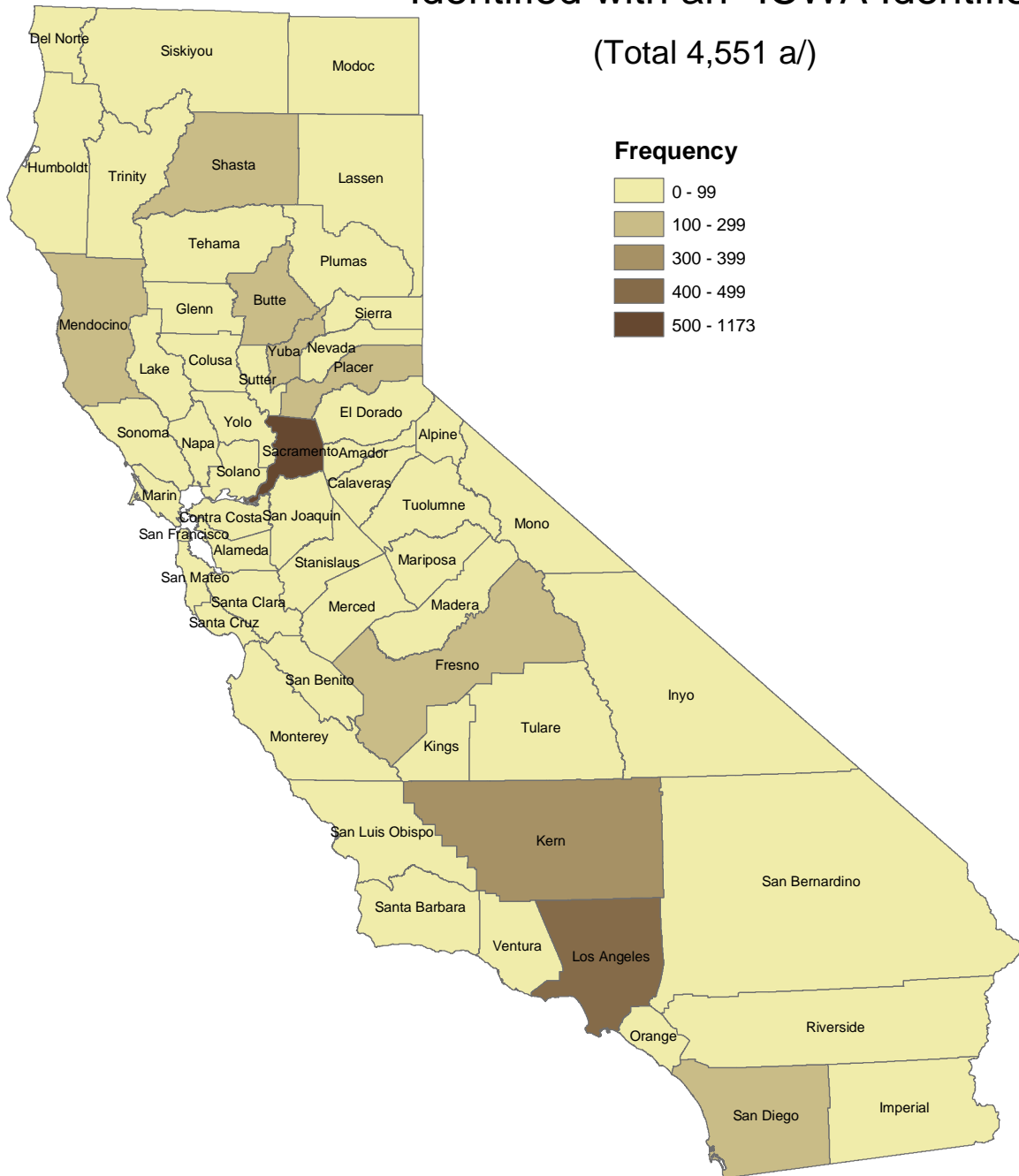


- ICWA eligibility documentation varied for the children with Tribal enrollment status information.

a/ If an ICWA eligibility code was not entered, the CWS/CMS system defaulted to Not ICWA Eligible.

# American Indian Children Receiving Child Welfare Services Identified with an \*ICWA Identifier

(Total 4,551 a/)

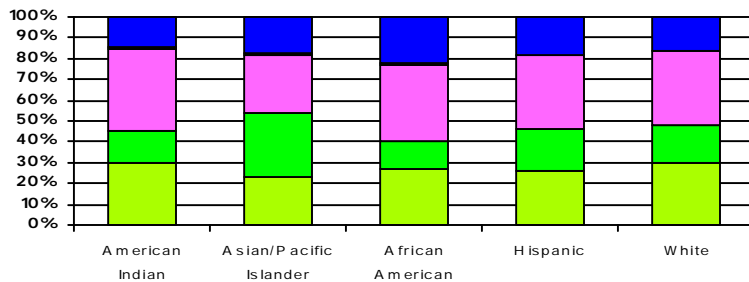


\*Indian Child Welfare Act

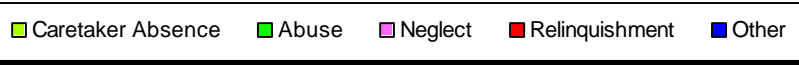
Data Source: CWS/CMS Calendar Year 2000

## Removal Reasons for Children Placed in Out-of-Home Care and the Length of Stay in Out-of-Home Care for CY 2000 (Total Children-146,593)

**All Children/a**

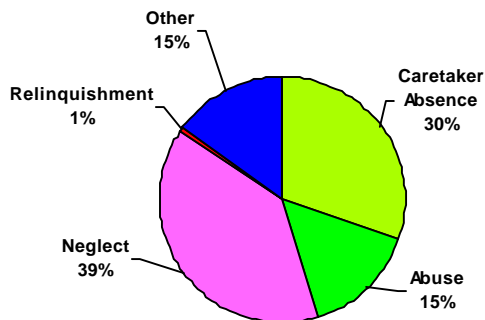


- Except for Asian/Pacific Islander children the primary removal reason for all children was neglect, followed by caretaker absence. The primary reason for removal of Asian/Pacific Islander children was abuse. (See Appendix B)



a/ Race/ethnicity was not identified for 701 children removed from their home.

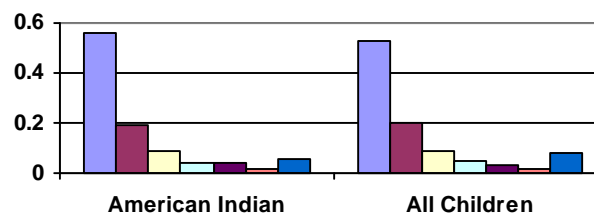
**Removal Reasons for American Indian Children (2,156)**



- The reasons for removing American Indian children from their homes was similar to the reasons for all other children.
- Neglect was the most common reason for removal followed by caretaker absence.

**Length of Stay for American Indian and All Children**

- There was a similar trend in length of stay when comparing American Indian children to all children. (See Appendix B)





## Children Placed in Out-of-Home Care for Calendar Year 2000

### Child Welfare Services Program and Out-of-Home Care Rates per 1,000 in the Child Population of California

Race/Ethnicity	Children in the CWS Program (205,865)/a	Children in Out-of-Home Care (146,593)/b
	Rate per 1,000	Rate per 1,000
American Indian	51	39
African American	81	66
Asian Pacific/Islander	7	4
Hispanic	16	11
White	18	13

- American Indian children had the 2nd highest proportional participation in the child welfare services program and in out-of-home care.
- African American children had the highest proportion of participation. (See Appendix A, B)

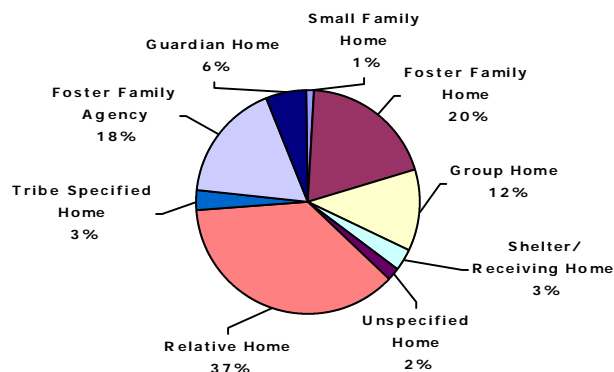
### Total Number of Children in Out-of-Home Care by Race/Ethnicity and Placement Type for CY 2000

Facility	American Indian		Asian/Pacific Islander		African American		Hispanic		White		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Small Family Home	13	1%	18	0%	268	1%	182	0%	224	0%	705	0%
Foster Family Home	421	20%	654	18%	6,973	15%	7,143	15%	9,290	20%	24,481	17%
Group Home	252	12%	578	16%	5,243	11%	5,459	12%	7,237	16%	18,769	13%
Shelter/ Receiving Home	65	3%	335	9%	1,186	3%	2,675	6%	1,605	4%	5,866	4%
Unspecified Home	43	2%	54	1%	734	2%	768	2%	813	2%	2,412	2%
Medical Facility	0	0%	2	0%	5	0%	7	0%	6	0%	20	0%
Relative Home	790	37%	1,018	28%	22,022	46%	19,553	42%	14,610	32%	57,993	40%
Tribe Specified Home	57	3%	0	0%	2	0%	5	0%	2	0%	66	0%
Foster Family Agency	389	18%	806	22%	7,524	16%	9,383	20%	9,204	20%	27,306	19%
Guardian Home	126	6%	147	4%	3,416	7%	1,889	4%	2,696	6%	8,274	6%
<b>Total</b>	<b>2,156</b>	<b>100%</b>	<b>3,612</b>	<b>100%</b>	<b>47,373</b>	<b>100%</b>	<b>47,064</b>	<b>100%</b>	<b>45,687</b>	<b>100%</b>	<b>145,892</b>	<b>100%</b>

- Relative home placements were the largest type of placement.
- The next highest placements for all race/ethnicity groups was either foster family home or foster family agency, followed by group homes. (see Appendix B)

#### American Indian Children (Total Children- 2,156)

- Over 1/3 of American Indian children were in relative home placements.
- One half of American Indian children were in foster family home, foster family agency or group home placements.



a/ Race/ethnicity was not identified for 1,903 children receiving child welfare services.

b/ Race/ethnicity was not identified for 701 children removed from their home.

## Adoptions for Calendar Year 2000

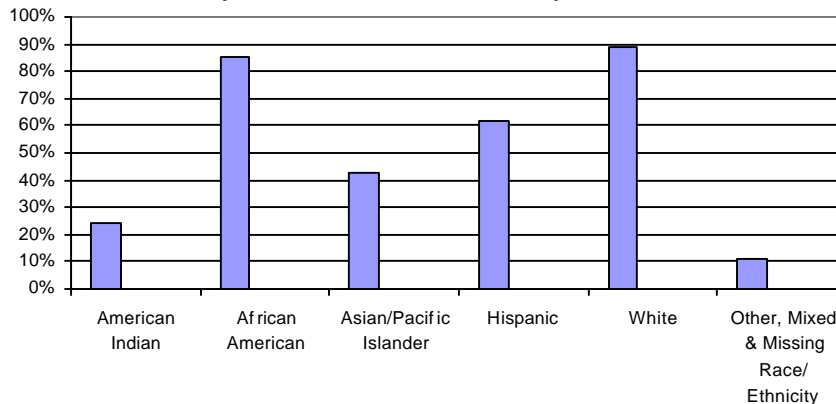
### Total Adoptions- 6,644

#### Adoption Rates per 10,000 and Referral and Caseload Rates per 1,000 in the California Population

	Total Adoptions	Rate per 10,000 Adoptions	Rate per 1,000 of Reported Referrals	Rate per 1,000 in the Child Welfare Services Caseload/a
American Indian	29	5	93	52
African American	1,357	19	114	81
Asian/Pacific Islander	74	1	18	7
Hispanic	2,440	5	42	16
White	2,334	7	47	18
Mixed, Other, & Missing Race/Ethnicity/a	410			
Statewide Totals	6,644	6	53	20

- The adoption rate for American Indian children (5/10,000) was similar to that of Hispanic (5/10,000) and White (7/10,000) children. The rate was highest for African American (19/10,000) children. (See Appendix C)
- The referral and foster care placement rates were higher for American Indian children but the adoption rate for American Indian children was generally consistent with other race/ethnicity groups.

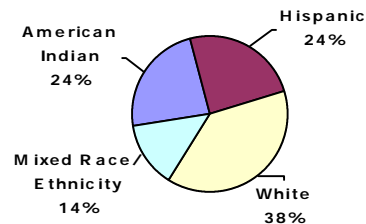
#### Percentage of Children Who are Adopted by Parent of Same Race/Ethnicity



- Over 50% of African American, Hispanic and White children were adopted by parents of the same race/ethnicity.
- Approximately 1/4 (24%) of American Indian children were adopted by American Indian families. (See Appendix C)

#### Race/Ethnicity of Parents Adopting American Indian Children

- The majority (62%) of American Indian children were adopted by White and Hispanic parents.



/a Rates not completed since missing/unknown race/ethnicities were not part of the California population.

## **Section IV**

### **Case Review**

❖ Case Review Findings	Page 25
❖ 'The Child Welfare System and CalWORKS: Overlap in California Child Populations'	Page 26
❖ Recommendations	Page 27

# Case Review Findings

## (Total Cases 141)

A random sample of 141 cases was identified from the 2,826 American Indian children that received child welfare services during calendar year 2000. The cases were reviewed to gain a better understanding of issues involving these children. The findings provided the following information:

- The form (SOC318) that captures Tribal name and Tribal status information was not completed in 126 cases and partially completed in the remainder.
- There were 51 cases with an ICWA eligibility indicator and 45% had documentation regarding Tribal involvement.
  - ✓ Interestingly, Tribal involvement occurred in 9 of the cases with an ICWA unknown, not asked indicator.
- There were 101 cases (72%) in which the children were placed in out-of-home care and 56 (55%) were placed with relative care providers or in an American Indian home.
- The following table shows that alcohol and/or substance abuse by the parents were noted in the majority of the out-of-home care cases (85) :

Substance Abuse Issues of Parents	Children in Out-of -Home Placements and Completed Adoptions
Alcohol Abuse	19
Substance Abuse	50
Alcohol & Substance Abuse	16
Missing Data	16
<b>Total</b>	101

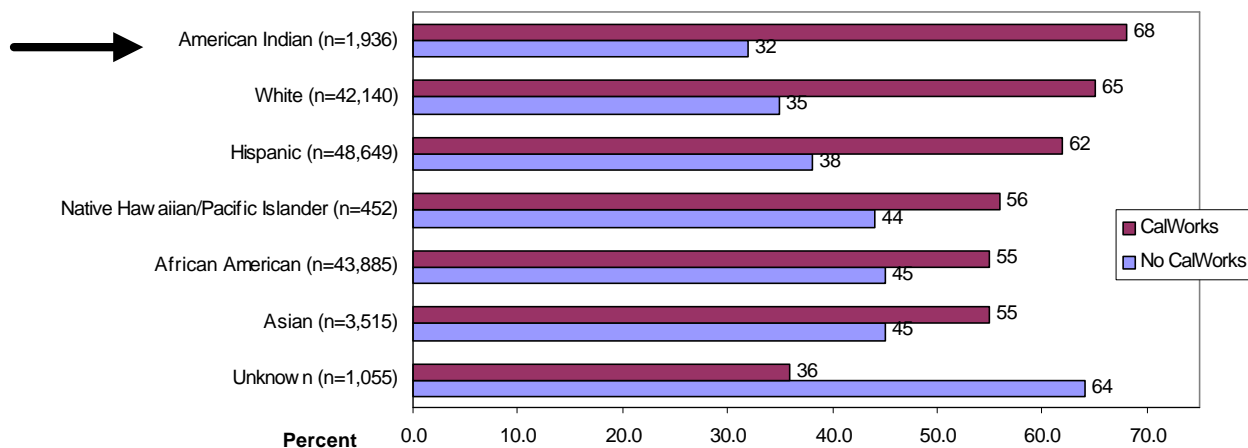
- ✓ 50% of the parents had a substance abuse problem.
- ✓ 84% of the children removed from their homes had parents with alcohol and/or substance abuse issues.
- ✓ 53% of the children that were removed from their homes had neglect noted as the abuse type.

## **CWS/CMS and CalWORKS: Overlap in California Child Populations**<sup>a</sup>

The Research and Development Division (RADD) conducted a study of the overlap in California child populations between CWS/CMS and CalWORKS. It was a retrospective analysis that looked backwards from one point in the CWS caseload to find the same children in AFDC/CalWORKS caseload. The data analyzed included CWS cases open on December 31, 2001 and CalWORKS cases captured by the Medi-Cal Eligibility Data System (MEDS) file for 1993-2001.

The chart below shows children by ethnicity who had the highest rate of CalWorks aid prior to CWS.

### **American Indian children had the highest rate of CalWorks aid.**



- ✓ American Indian children had the highest rate of CalWorks participation before entering CWS.
- ✓ The CalWorks rate for White and Hispanic children followed close behind the American Indian Children.

<sup>a</sup> Dodds, D. 2002. The Child Welfare System and CalWORKs: Overlap in California Child Populations. Sacramento: California Department of Social Services. [http://www.dss.cahwnet.gov/research/res/pdf/CWS\\_CalWORKs.pdf](http://www.dss.cahwnet.gov/research/res/pdf/CWS_CalWORKs.pdf)

## **Recommendations:**

### **1. Strengthen accountability for ICWA compliance**

- Utilize the development of the AB 636 process to include specific ICWA elements in the new county review process.
- Include Tribal input in shaping a new, outcomes-based compliance review process.
- Re-focus county staff on the importance of ICWA mandates through training and ongoing communication notices.

### **2. Improve ICWA documentation in case management system (CWS/CMS)**

- Expand/simplify mandatory fields for social workers to document child/family tribal affiliation and efforts to determine ICWA eligibility. For example ICWA eligibility documentation may be simplified to pending, eligible, and not eligible. In a similar manner consider the simplification of Tribal enrollment status. See page 19.
- Improve consistent documentation of social workers to: properly notify Tribes; document remedial and rehabilitative services to avoid removal of child(ren); document “active efforts” threshold; meet placement preference order.

### **3. Develop and implement statewide ICWA Training**

- Develop training curriculum for Tribes and Tribal social service staff regarding dependency proceedings and strategies for advocating for improved county compliance with ICWA provisions.
- Develop training curriculum for new and established county and state workers regarding ICWA mandates (institutionalize through Training Academies).
- In collaboration with Judicial Council, develop and implement training curriculum for the judiciary regarding ICWA mandates.
- Develop and disseminate easy-to-use resource tools for county/state and Tribal field workers as well as supervisors.

### **4. Strengthen working relationships among Tribes, county, state and federal entities.**

- Support and encourage the development of regional “Roundtables” to foster stronger working relationships among local constituents.
- Provide forums for the sharing of effective local practice and collaboration.
- Improve communication among constituents by disseminating relevant and accurate information regarding effective practice.

### **5. Update California Manual of Policy and Procedures Division 31 to more fully integrate ICWA mandates.**

Integrate ICWA provisions throughout the California Manual of Policy and Procedures, Division 31 to clarify social worker/probation officer responsibilities in meeting ICWA requirements.

# **Section V**

## **Data Tables**

❖ **Data Tables**

**Page 29-31**



## Total Number of Children in the Child Welfare Services Caseload, for Calendar Year 2000

<b>Characteristics of Children in the Child Welfare Services Caseload Adoptions and in Out-of-Home Care for Calendar Year 2000</b>							
Child Welfare Services Caseload							
Gender	Missing/a	American Indian/Alaska Native	Asian/Pacific Islander	African American	Hispanic	White	Total
Female	959	1,446	3,528	28,705	35,758	32,809	103,205
Male	911	1,379	3,445	29,276	34,547	33,022	102,580
Missing	33	1	2	11	18	15	80
Total	1,903	2,826	6,975	57,992	70,323	65,846	205,865
<b>Age</b>							
0-4 yrs	677	793	1,596	12,199	18,168	16,084	49,517
5-12 yrs	798	1,336	3,289	27,939	33,485	31,052	97,899
13-18 yrs	428	697	2,090	17,854	18,670	18,710	58,449
Total	1,903	2,826	6,975	57,992	70,323	65,846	205,865
<b>Service Component</b>							
Emergency Response	266	107	236	960	1,986	2,044	5,599
Family Maintenance	869	895	4,340	13,737	31,352	26,201	77,394
Family Reunification	188	282	428	4,077	6,026	5,568	16,569
Permanent Placement	580	1,542	1,971	39,218	30,959	32,033	106,303
Total	1,903	2,826	6,975	57,992	70,323	65,846	205,865
<b>Terminations</b>							
Missing	12	12	14	144	333	276	791
Foster Care Adoptions	7	58	107	1,281	1,651	2,446	5,550
Foster Care Guardianship	33	122	78	2,094	1,860	1,473	5,660
Foster Care Reunified w /Parent/Guardian	396	353	1,110	6,325	9,256	9,510	26,950
Other	39	134	190	2,761	2,579	2,926	8,629
Total	487	679	1,499	12,605	15,679	16,631	47,580

/a the race/ethnicity was missing for 1,903 children in the caseload and 487 of terminated cases.

## Total Number of Children in the Child Welfare Services Caseload, in Out-of-Home Care for Calendar Year 2000

Reasons for Removal	Missing/a	American Indian/Alaska Native	Asian/Pacific Islander	African American	Hispanic	White	Total
Missing	0	0	0	1	0	0	1
Care Taker Absence	253	650	830	12,649	12,043	13,596	40,021
Child Disability or Handicap	0	5	3	269	132	190	599
Other	66	320	636	10,423	8,562	7,234	27,241
Emotional Abuse	13	24	119	580	1,075	1,262	3,073
General Neglect	163	564	681	10,451	11,221	11,571	34,651
Physical Abuse	116	227	778	4,725	6,048	4,863	16,757
Relinquishment	10	12	24	379	235	355	1,015
Severe Neglect	43	278	313	6,830	5,168	4,581	17,213
Sexual Abuse	37	76	228	1,066	2,580	2,035	6,022
Total	701	2,156	3,612	47,373	47,064	45,687	146,593
<b>Facility</b>							
Small Family Home	5	13	18	268	182	224	710
Foster Family Home	183	421	654	6,973	7,143	9,290	24,664
Group Home	95	252	578	5,243	5,459	7,237	18,864
Shelter/Receiving Home	126	65	335	1,186	2,675	1,605	5,992
Unspecified Home	3	43	54	734	768	813	2,415
Medical Facility	0	0	2	5	7	6	20
Relative Home	132	790	1,018	22,022	19,553	14,610	58,125
Tribe Specified Home	0	57	0	2	5	2	66
Foster Family Agency	104	389	806	7,524	9,383	9,204	27,410
Guardian Home	53	126	147	3,416	1,889	2,696	8,327
Total	701	2,156	3,612	47,373	47,064	45,687	146,593
<b>Length of Stay</b>							
1 yr	563	1,216	2,239	22,001	26,289	25,704	78,012
2 yrs	102	404	759	8,515	9,890	9,674	29,344
3 yrs	24	207	262	4,302	4,224	4,244	13,263
4 yrs	6	81	139	2,861	2,398	2,181	7,666
5 yrs	1	80	60	1,733	1,360	1,134	4,368
6 yrs	1	38	49	1,533	810	717	3,148
Over 6 yrs	4	130	104	6,428	2,093	2,033	10,792
Total	701	2,156	3,612	47,373	47,064	45,687	146,593
a/The race/ethnicity was missing for 701 children.							

## Total Number of Children in the Child Welfare Services Caseload, with Completed Adoptions for Calendar Year 2000

Child's Race	Adoptive Parent's Race						Total
	Mixed, Other & Race/ Ethnicity	American Indian/Alaska Native	Asian/Pacific Islander	African American	Hispanic	White	
American Indian/Alaska Native	4	7	0		7	11	29
African American	52	0	0	1,156	37	112	1,357
Asian/Pacific Islander	10	0	32	2	7	23	74
Hispanic	34	10	16	105	1,510	765	2,440
White	23	4	2	30	198	2,077	2,334
Mixed, Other & Race/ Ethnicity	43	4	16	103	57	177	410
Total	166	25	66	1,396	1,816	3,165	6,644

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